

REMARKS

In response to the pending Office Action mailed April 4, 2008, claims 1-11 are pending in the application. Claims 1 and 3-4 have been amended. Claims 9 and 11 were withdrawn. Claim 1 is independent.

Applicants appreciate the Examiner's indication of allowable subject matter in claims 4 and 5, which were objected to for depending from a rejected claim, and allowable if rewritten in independent form including the limitations of their base claim and any intervening claims.

Claims 1, 3, and 4 were objected to for informalities. Applicants submit that this objection has been overcome by the foregoing amendments.

Claims 1-2 and 6-8 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,035,023 to Nanba et al. Applicants respectfully traverse.

Claims 1-2, 6-8, and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,970,306 to Matsuo. Applicants respectfully traverse.

Claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Namba. Applicants respectfully traverse.

Applicants submit that Namba and Matsuo are not prior art with respect to the present application. The U.S. filing date of Nanba et al. is April 21, 2004, and the U.S. filing date of Matsuo is January 20, 2004.

However, the present application was filed in the U.S. on March 10, 2006, and is the U.S. National Phase under 35 U.S.C. § 371 of International Application No. PCT/JP2004/013571, filed September 10, 2004, which in turn **claims the benefit of Japanese Application No. 2003-**

318013, filed September 10, 2003. Applicants direct the Examiner to the preliminary amendment filed March 10, 2006, which asserts these priority claims.

Accordingly, **the effective filing date of the present application is September 10, 2003, and is prior to both the U.S. filing date of Nanba and the U.S. filing date of Matsuo,** whereby both of Nanba et al. and Matsuo are not prior art to the present application. A certified English translation of the priority document (Japanese Application No. 2003-318013, filed September 10, 2003) is being filed concurrently with this response.

Thus, Applicants respectfully submit that the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103 have been overcome.

Claims 1-4, 6-8, and 10 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-10 of copending Application No. 10/571,618 (U.S. 2007/0053078). Applicants submit that this rejection has been overcome by the terminal disclaimer filed concurrently with this response.

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/571,617

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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